

maggots; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 20, 1953. The defendant having entered a plea of guilty, the court fined it \$250.

NUTS

20640. Adulteration of shelled peanuts. U. S. v. Farmers Cotton & Peanut Co., Inc., and Ellis J. Broughton. Pleas of not guilty. Tried to the court. Verdict of guilty for corporation and verdict of not guilty for individual. Fine of \$150 against corporation. (F. D. C. No. 35178. Sample No. 57836-L.)

INFORMATION FILED: October 1, 1953, Eastern District of North Carolina, against Farmers Cotton & Peanut Co., Inc., Plymouth, N. C., and Ellis J. Broughton, secretary and treasurer of the corporation.

ALLEGED SHIPMENT: On or about April 8, 1953, from the State of North Carolina into the State of Virginia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: Pleas of not guilty having been entered by the defendants, the case came on for trial before the court without a jury on October 28, 1953. At the conclusion of the trial, the court returned a verdict of guilty against the corporation and a verdict of not guilty against the individual. On October 28, 1953, the court imposed a fine of \$150 against the corporation.

20641. Adulteration of shelled peanuts. U. S. v. 82 Bags * * *. (F. D. C. No. 34008. Sample Nos. 54735-L, 54736-L.)

LIBEL FILED: October 10, 1952, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 13 and September 6, 1952, by the Southern Cotton Oil Co., from Cordele, Ga.

PRODUCT: 82 125-pound bags of shelled peanuts at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peanuts, and of a decomposed substance by reason of the presence of decomposed peanuts.

DISPOSITION: December 11, 1953. The Southern Cotton Oil Co., Atlanta, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be subject to disposition by the Government. The product was delivered to a Federal institution, for use as stock feed.

OILS AND FATS

20642. Action to enjoin and restrain the interstate shipment of adulterated soybean oil. U. S. v. Southern Cotton Oil Co. and W. V. Westmoreland. Consent decree of permanent injunction entered. (Inj. No. 262.)

COMPLAINT FILED: April 7, 1953, Eastern District of North Carolina, against the Southern Cotton Oil Co., a corporation, Hertford, N. C., and W. V. Westmoreland, district manager of the corporation.

NATURE OF CHARGE: That the defendants were engaged in the manufacture and distribution of soybean oil and had been and were, at the time of filing the complaint, causing the introduction and delivery for introduction into interstate commerce of soybean oil which was adulterated under Section 402 (a) (4) in that it had been and was being prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the corporation's plant at Hertford, N. C., resulted from the presence of rodent excreta on the bags of soybeans and in the soybeans used in the manufacture of soybean oil, from the presence of rodents, rodent excreta, cat excreta, bird excreta, human excreta, and rodent poison in and around places in the corporation's plant where the soybeans used in the manufacture of the oil were stored and held, and from the use of flour sweepings in the manufacture of the oil; and that the insanitary conditions resulted also from general carelessness on the part of the defendants and their employees.

The complaint alleged also that the refining process of the expressed oil obtained from the soybeans was such that the oil-soluble portions of the filth remained in the soybean oil; and that the defendants had in storage in the plant more than 2,500 tons of soybeans which were held under insanitary conditions and which constituted a menace to interstate commerce. The complaint alleged further that the defendants continued to introduce and deliver for introduction into interstate commerce adulterated soybean oil, and alleged on information and belief that the defendants would continue to do so unless restrained.

DISPOSITION: April 28, 1953. The defendants having consented to the entry of a decree, a permanent injunction was entered enjoining and restraining the defendants from causing to be introduced or delivered for introduction into interstate commerce soybean oil or any other such article of food which was adulterated within the meaning of Section 402 (a) (4).

The decree provided further that the defendants be perpetually enjoined and restrained from causing the introduction or delivery for introduction into interstate commerce of any contaminated soybeans for use in the manufacture of human food provided, however, that the contaminated soybeans could be sold for planting or for export. The decree provided also that the defendants should be permitted to export as technical grade soybean oil, (1) soybean oil which was adulterated within the meaning of Section 402 (a) (4), and (2), soybean oil expressed from soybeans stored on April 7, 1953, at the corporation's plant at Hertford, N. C., on condition that such exported technical grade soybean oil or contaminated soybeans be in compliance with the provisions of Section 801 (d).

20643. Adulteration of crude soybean oil. U. S. v. Durant Cotton Oil & Peanut Corp. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 34852. Sample Nos. 22348-L, 47071-L.)

INFORMATION FILED: April 8, 1953, Eastern District of Oklahoma, against the Durant Cotton Oil & Peanut Corp., Durant, Okla.

ALLEGED SHIPMENT: On or about October 17 and November 12, 1952, from the State of Oklahoma into the State of Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the soybeans from which the article had been prepared contained insects and insect fragments;